

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY *JK* D.C.  
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KIMBERLY WALTON,

Plaintiff,

vs.

QUENTON WHITE, et al.,

Defendants.

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THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W/D OF TN, MEMPHIS

No. 04-2621MaV

ORDER DENYING MOTION FOR LEAVE TO TAKE DEPOSITION OF PLAINTIFF

Before the court is the motion of the defendant Carl Garret filed August 22, 2005, for leave to take the deposition of the plaintiff, Kimberly Walton, who is incarcerated. The motion was referred to the United States Magistrate Judge for determination.

With the motion, the defendant failed to indicate in his certificate of consultation with counsel for the opposing party whether the opposing party consented to or objected to the motion. In addition, Garret failed to file a proposed order.

Therefore, Garret's motion for leave to take the deposition of the plaintiff, Kimberly Walton, is denied, without prejudice, for failure to indicate in the certificate of consultation whether the opposing party consented to the motion and for failure to submit a proposed order.

IT IS SO ORDERED this 22nd day of August, 2005.

*Diane K. Vesco*  
DIANE K. VESCOVO  
UNITED STATES MAGISTRATE JUDGE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 28 in case 2:04-CV-02621 was distributed by fax, mail, or direct printing on August 26, 2005 to the parties listed.

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Honorable Samuel Mays  
US DISTRICT COURT